

Remarks/Arguments

Upon entry of the foregoing amendments, claims 1 to 8 and 11 to 29 will be pending in the present patent application. Claims 1, 3, 4, 22, 23 and 24 have been amended, without prejudice. Claim 14 has been amended to correct a typographical error. Claims 2, 9 and 10 have been canceled, without prejudice. Claims 26 to 29 are withdrawn, without prejudice.

In view of the foregoing amendments and the following remarks, reconsideration and withdrawal of the objections and rejections are respectfully requested.

Discussion of the Request for a Supplemental Declaration

The Examiner requests that a Supplemental Declaration signed by all three named inventors be submitted herewith (Action at 3-4). Applicants submit that a Supplemental Declaration is forthcoming; however, a Petition pursuant to 37 C.F.R. § 1.47 will likely accompany the Supplemental Declaration.

Discussion of the Rejection under 35 U.S.C. § 112, First Paragraph

Claims 1 to 25 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement with regard to the terms “solvates” and “prodrugs”, and with regard to certain “acid bioisosteres” (Action at 4). Although applicants respectfully disagree with this rejection, Applicants have amended claims 1, 22, 23 and 24 to remove the recitation of the terms “solvate” and “prodrug.” Applicants have also amended claims 1 and 24 to recite that the acid bioisosteres are selected from the group consisting of those acid bioisosteres disclosed in the specification, namely C(=O)-NHOH, C(=O)-CH₂OH, C(=O)-CH₂SH, C(=O)-NH-CN, sulpho, phosphono, alkylsulfonylcarbamoyl, tetrazolyl, arylsulfonylcarbamoyl,

heteroarylsulfonylcarbamoyl, N-methoxycarbamoyl, 3-hydroxy-3-cyclobutene-1,2-dione, 3,5-dioxo-1,2,4-oxadiazolidinyl, or 3-hydroxyisoxazolyl, 3-hydroxy-1-methylpyrazolyl or other heterocyclic phenols. Applicants submit that the foregoing amendments render this rejection moot. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Discussion of the Rejections under 35 U.S.C. § 102(b)

Claims 1, 5, 6, 9 and 10 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Arisawa et al., Synlett, 10:1179-1180 (1997) ("Arisawa"). In particular, the Examiner alleges that compound "1h" found at page 1179, table 1 of Arisawa falls within the scope of the presently claimed compounds where Z1 is unsubstituted phenyl. Although Applicants respectfully disagree, claim 1 has been amended to incorporate the definition of Z1 recited in claim 2, which requires that Z1 be substituted with the amidino group $-\text{CR}^5\text{R}^6\text{NHR}^7-$. Arisawa *does not* teach or suggest such moiety. Applicants respectfully submit that the present claims are patentable over Arisawa for at least this reason. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 to 6, 9 to 12, 14, 19, 21, 22 and 25 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by International Publication No. WO97/45424 to Koo et al. ("Koo"). The Examiner alleges that over 250 species disclosed in Koo on pages 53 to 226 fall within the scope the presently claimed compounds and, in particular, the compound of example 11 found at page 67, lines 12 to 19 where Z1 is the heteroaryl group indo-2-yl substituted by (6-aminoiminomethyl) and 1-methyl. Although Applicants respectfully disagree, claim 1 has been amended to recite that Z1 is optionally substituted phenyl. Koo *does not* teach or suggest such moiety. In particular, Koo only discloses bicyclic substituents in the position that corresponds to

the Z1 of the present compounds. Thus, for at least this reason, Applicants respectfully submit that the present claims are patentable over Koo. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 5, 6, 9, 10, 12 and 14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by International Publication No. WO98/33797 to Seno et al. ("Seno"). In particular, the Examiner alleges that the compounds E1 to E8 found at page 100, table 19, of Seno fall within the scope of the presently claimed compounds where Z1 is the heteroaryl group 2-thienyl or the aryl group phenyl, substituted by (2,4-dioxo-5-thiazolidinylidene)methyl. Although Applicants respectfully disagree, claim 1 has been amended such that Z1 is substituted with the amidino group $-\text{CR}^5\text{R}^6\text{NHR}^7$. Seno does not teach or suggest any substitution of the 2-thienyl or phenyl groups disclosed therein other than (2,4-dioxo-5-thiazolidinylidene)methyl. Thus, for at least this reason, Applicants respectfully submit that the present claims are patentable over Seno. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 to 3, 5, 6, 9, 10, 19 and 21 to 23 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Japanese Patent No. 11-246554 to Fumihiko et al. ("Fumihiko"). In particular, the Examiner alleges that the compounds I1 to I7 found in the table at page 6 fall within the scope of the presently claimed compounds where R2 is propyl substituted by 3-acetylamino and carboxyl. That portion of the compounds disclosed in Fumihiko which corresponds to R2, however, also includes a pyrrolidine ring, which was not acknowledged in the Action. Thus, Fumihiko does not disclose the R2 of the presently claimed compounds because R2 *does not* include pyrrolidine. For at least this reason, Applicants respectfully submit that the

present claims are patentable over Fumihiko. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested. If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (908) 231-3410.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. **18-1982** in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,

Dated: July 25, 2006

/Joseph D. Rossi/
Joseph D. Rossi
Registration No. 47,038
Attorney for Applicants

Aventis Pharmaceuticals Inc.
Patent Department
Route #202-206 / P.O. Box 6800
Bridgewater, New Jersey 08807-0800
Telephone: 908-231-3410
Telefax: 908-231-2626

DEAV1999/S005 US CIP1